

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REIKO ELIO PENUNURI,

Defendant.

8:18-CR-152

ORDER

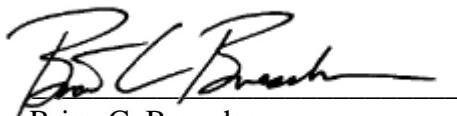
This matter is before the Court on Petitioner's, Reiko Elio Penunuri's, Motion under [28 U.S.C. § 2255](#) to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. [Filing 397](#). Pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court is to dismiss the Motion "[i]f it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief." Based upon the Court's initial review of the Motion ([Filing 397](#)), the Court cannot make such determination at this time. Accordingly,

IT IS ORDERED:

1. Upon initial review, the Court preliminarily determines Reiko Elio Penunuri's claims under [28 U.S.C. § 2255](#) are potentially cognizable; and
2. On or before March 31, 2022, the United States shall file an answer or other response.

Dated this 28th day of February, 2022.

BY THE COURT:



Brian C. Buescher
United States District Judge